

AMENDED IN ASSEMBLY MAY 3, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2466

Introduced by Assembly Member Weber

(Principal coauthor: Senator Mitchell)

(Coauthor: Assembly Member Gonzalez)

February 19, 2016

An act to amend Sections 2101, 2106, and 2212 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2466, as amended, Weber. Voting: felons.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

This bill, for purposes of determining who is entitled to register to vote, would define imprisoned as currently serving a state or federal prison sentence and would define parole as a term of supervision by the Department of Corrections and Rehabilitation. The bill would clarify that conviction does not include a juvenile adjudication.

Existing law requires any program adopted by a county pursuant to certain provisions, that is designed to encourage the registration of electors, with respect to any printed literature or media announcements

made in connection with the program to contain a statement that a person entitled to register to vote must be a United States citizen, a California resident, not in prison or on parole for conviction of a felony, and at least 18 years of age at the time of the election.

This bill would instead require that the statement, as described above, state that a person entitled to register to vote must be a United States citizen, a California resident, not currently in state or federal prison or on state parole for the conviction of a felony, and at least 18 years of age at the time of the election. By requiring a county to change the statement included as part of its voter registration program, as described above, the bill would impose a state-mandated local program.

Existing law requires the clerk of the superior court of each county, on the basis of the records of the court, to furnish to the chief elections official of the county, at least on April 1 and September 1 of each year, a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the clerk's last report. Existing law requires the elections official to cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.

This bill would instead require that the statement furnished by the clerk of the superior court of each county to the county elections official show the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of the conviction of a felony since the clerk's last report.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2101 of the Elections Code, as enacted
2 by Section 2 of Chapter 920 of the Statutes of 1994, is amended
3 to read:

1 2101. (a) A person entitled to register to vote shall be a United
2 States citizen, a resident of California, not imprisoned or on parole
3 for the conviction of a felony, and at least 18 years of age at the
4 time of the next election.

5 (b) For purposes of this ~~section~~ *section*, the following definitions
6 apply:

7 (1) “Imprisoned” means currently serving a state or federal
8 prison sentence.

9 (2) “Parole” means a term of supervision by the Department of
10 Corrections and Rehabilitation.

11 (3) “Conviction” does not include a juvenile adjudication made
12 pursuant to Section 203 of the Welfare and Institutions Code.

13 SEC. 2. Section 2101 of the Elections Code, as amended by
14 Section 2 of Chapter 728 of the Statutes of 2015, is amended to
15 read:

16 2101. (a) A person entitled to register to vote shall be a United
17 States citizen, a resident of California, not imprisoned or on parole
18 for the conviction of a felony, and at least 18 years of age at the
19 time of the next election.

20 (b) A person entitled to preregister to vote in an election shall
21 be a United States citizen, a resident of California, not imprisoned
22 or on parole for the conviction of a felony, and at least 16 years
23 of age.

24 (c) For purposes of this ~~section~~ *section*, the following definitions
25 apply:

26 (1) “Imprisoned” means currently serving a state or federal
27 prison sentence.

28 (2) “Parole” means a term of supervision by the Department of
29 Corrections and Rehabilitation.

30 (3) “Conviction” does not include a juvenile adjudication made
31 pursuant to Section 203 of the Welfare and Institutions Code.

32 SEC. 3. Section 2106 of the Elections Code, as enacted by
33 Section 2 of Chapter 920 of the Statutes of 1994, is amended to
34 read:

35 2106. A program adopted by a county pursuant to Section 2103
36 or 2105, that is designed to encourage the registration of electors,
37 shall contain the following statement in any printed literature or
38 media announcements made in connection with the program: “A
39 person entitled to register to vote must be a United States citizen,
40 a resident of California, not currently in state or federal prison or

1 on state parole for the conviction of a felony, and at least 18 years
2 of age at the time of the election.”

3 SEC. 4. Section 2106 of the Elections Code, as amended by
4 Section 2 of Chapter 619 of the Statutes of 2014, is amended to
5 read:

6 2106. A program adopted by a county pursuant to Section 2103
7 or 2105, that is designed to encourage the registration of electors,
8 shall contain the following statement in printed literature or media
9 announcements made in connection with the program: “A person
10 entitled to register to vote must be a United States citizen, a resident
11 of California, not currently in state or federal prison or on state
12 parole for the conviction of a felony, and at least 18 years of age
13 at the time of the election. A person may preregister to vote if he
14 or she is a United States citizen, a resident of California, not
15 currently in state or federal prison or on state parole for the
16 conviction of a felony, and at least 16 years of age.” A county
17 elections official may continue to use existing materials before
18 printing new or revised materials required by any changes to this
19 section.

20 SEC. 5. Section 2106 of the Elections Code, as amended by
21 Section 5 of Chapter 728 of the Statutes of 2015, is amended to
22 read:

23 2106. A program adopted by a county pursuant to Section 2103
24 or 2105, that is designed to encourage the registration of electors,
25 shall contain the following statement in printed literature or media
26 announcements made in connection with the program: “A person
27 entitled to register to vote must be a United States citizen, a resident
28 of California, not currently imprisoned in a state or federal prison
29 or on state parole for the conviction of a felony, and at least 18
30 years of age at the time of the election. A person may preregister
31 to vote if he or she is a United States citizen, a resident of
32 California, not currently imprisoned in a state or federal prison or
33 on state parole for the conviction of a felony, and at least 16 years
34 of age.” A county elections official may continue to use existing
35 materials before printing new or revised materials required by any
36 changes to this section.

37 SEC. 6. Section 2106 of the Elections Code, as amended by
38 Section 6 of Chapter 728 of the Statutes of 2015, is amended to
39 read:

1 2106. A program adopted by a county pursuant to Section 2103
2 or 2105, that is designed to encourage the registration of electors,
3 shall contain the following statement in any printed literature or
4 media announcements made in connection with the program: “A
5 person entitled to register to vote must be a United States citizen,
6 a resident of California, not currently imprisoned in a state or
7 federal prison or on state parole for the conviction of a felony, and
8 at least 18 years of age at the time of the election.”

9 SEC. 7. Section 2212 of the Elections Code, as amended by
10 Section 95 of Chapter 784 of the Statutes of 2002, is amended to
11 read:

12 2212. The clerk of the superior court of each county, on the
13 basis of the records of the court, shall furnish to the county
14 elections official, not less frequently than the first day of April and
15 the first day of September of each year, a statement showing the
16 names, addresses, and dates of birth of all persons who have been
17 committed to state prison as the result of a felony conviction since
18 the clerk’s last report. The elections official shall, during the first
19 week of April and the first week of September in each year, cancel
20 the affidavits of registration of those persons who are currently
21 imprisoned or on parole for the conviction of a felony. The clerk
22 shall certify the statement under the seal of the court.

23 SEC. 8. Section 2212 of the Elections Code, as amended by
24 Section 65 of Chapter 728 of the Statutes of 2015, is amended to
25 read:

26 2212. The clerk of the superior court of each county, on the
27 basis of the records of the court, shall furnish to the Secretary of
28 State and the county elections official in the format prescribed by
29 the Secretary of State, not less frequently than the first day of every
30 month, a statement showing the names, addresses, and dates of
31 birth of all persons who have been committed to state prison as
32 the result of a felony conviction since the clerk’s last report. The
33 Secretary of State or county elections official shall cancel the
34 affidavits of registration of those persons who are currently
35 imprisoned or on parole for the conviction of a felony. The clerk
36 shall certify the statement under the seal of the court.

37 SEC. 9. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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